

Remarks

Claims 1-24, 26-51, and 53-55 are currently pending and have been rejected. Applicants assert that all claims are in condition for allowance as set forth more fully below.

Interview Summary

On February 2, 2006, the patent agent for the undersigned participated in a phone interview with the Examiner in regards to the instant application. During the interview it was discussed that the Lawlor reference did not disclose all of the claim elements as asserted by the latest Office Action. In this regard the Applicant's last response was discussed in some detail which further clarified the contrast between the claimed subject matter and the subject matter cited in Lawlor. Those contrasts were concurred with by the examiner and will be elucidated and more fully presented in the arguments below.

In the interest of an efficient prosecution it was agreed that the Applicants would submit their clarified arguments in writing and that the Examiner would reopen the case and commence an additional search.

102 Rejections

Claims 1-6, 9-17, 30-36, 38-44, 51 and 53-55 stand rejected under 35 USC §102(b) as being anticipated by Lawlor (US Pat 5,870,724). Applicants respectfully traverse these rejections.

These claims refer to methods and systems whereby information relating to an online user is used to call users who have recently ended their online sessions.

Claims 1-6, 9-10, and 30-39

Each of independent claims 1 and 30 contain similar elements. As a representative example, amended claim 1 recites in part,

“[a] method for contacting a user comprising electronically receiving online session data that specifies users who **have ended** recent online sessions, processing on a computer processor the online session data to identify users to call **who have recently ended** their online sessions, and calling the users who have recently ended their online sessions...”.

Emphasis has been added to underscore the concept that the electronically receiving step and the processing step of the online session data occur after the users have ended their online session.

Lawlor discloses a system and method of conducting banking business online over a telephone dial up connection. Lawlor fails to disclose the above claim elements and actually teaches away from the recited claims. Lawlor expressly discloses that the user information is provided to the advertiser upon the user's positive request for the advertiser's contact (Col. 31, l. 51-52) **while the user is still "on-line"**. (Col. 31, l. 53-56). In other words the user has to click on the advertisement. This disclosure logically requires that Lawlor system process and the advertiser receive the information while the customer is still conducting banking business on line and that his phone is therefore busy. A user that is still on-line can not possibly be a user that has ended a recent online session. The conditions are mutually exclusive. Furthermore, Lawlor does not disclose that an indication of a user ending his online session as being part of the user information provided to the advertiser. Lawlor only specifically mentions name and telephone number. (Col. 31, l. 50-51).

The Office Action proceeds to argue that since Lawlor is providing the advertiser with user information while the user is still on line (i.e. in "real-time"), that it follows that Lawlor's user information necessarily includes information indicating when the user is getting offline because otherwise there is no way for the advertisers to know exactly when the user has terminated his online session other than receiving this information from the central computer **52**. Thus, it is asserted, the central computer **52** is detecting whether a user is on line and has recently ended his online session so that the advertiser can place a call as soon as the user is disconnected (i.e. has hung up). Applicants point out and reiterate from the interview that finding such a disclosure in Lawlor requires a leap of logic based on hindsight acquired from the applicant's claims and specification. Specifically, the logical leap is that the disclosure in Lawlor of providing of information while the user is online (i.e. in "real time") has be equated by the examiner to an unsupported concept of continuous providing of information. Lawlor does not support the concept of continuous providing of information.

However, even if “real time” equates to a “continuous” transmission of data, the advertiser in Lawlor would still not be receiving online session data to identify that user has recently ended his online session. At the end of the session the Lawlor system would merely experience an absence of data and would not be receiving an indication of someone ending their online session by hanging up and could now be reached. For example, it is entirely possible that the user merely changed online applications without hanging up leaving the Lawlor advertiser still unable to reach the user.

Further, Lawlor expressly teaches that the user information is sent to the Advertiser upon the user positively requesting the advertiser contact (i.e. clicking on the advertisement)(Col. 31, l. 51-52). Lawlor proceeds in teaching that an “especially advantageous way to provide such **limited** user information” is to pass it to the user while he is on line in real time. (Col. 31, l. 55-56). Nowhere does Lawlor teach the continuous provision of user information including a disconnect indication. The term “limited” implies “restricted”. An interpretation of “limited” to mean “continuous from clicking on the advertisement for the remaining length of the on line session” is another unsupported leap of logic. In actuality, the limited user information (i.e. name and phone number)(Col. 31, l. 51) is most likely delivered to the advertiser in a single transmission burst. Such a burst would be in **real time** while the user is still on line but it would **not be continuous** such that it provides an indication that the on line session has ended. To be continuous in this respect, logic would dictate that the user must click repeatedly on the advertisement. However, it is clear from Lawlor that the user does not click the advertisement over and over again.

Also, with great importance, Applicant’s point out that the Lawlor advertiser could determine when the user has disconnected by using an automatic dialer and repeatedly dial the telephone number of user provided by Lawlor until the advertiser does not get a busy signal.

Therefore, the assertion in the Office Action that the Lawlor “central computer 52 is detecting whether the user has recently ended his online session so that advertisers can place a call as soon as the user is disconnected” is a leap of logic has no support in Lawlor but is instead based on hindsight from a reading of the present application and is incorrect. As such, since independent claims 1 and 10 recite elements not disclosed in

Lawlor, independent claims 1 and 10 are allowable over Lawlor for at least the above reasons. Dependent claims 2-9 and 31-39 depend from one of allowable independent claims 1 or 30 are allowable for at least the same reasons.

Claims 10-17, 40-44, 51 and 53-55-55

Each of independent claims 10, 40 and 51 contain similar elements. As a representative example, amended claim 10 recites in part,

“[a] method of identifying users to a caller, comprising **detecting the end of an online session of a user**, storing a record of the online session that indicates that the online session of the **user has recently ended** and transmitting the record to a caller to cause the caller to place a call to the user **after the online session has ended**”.

Emphasis has been added to underscore the concept that the detecting step, storing step and the transmitting step of the online session data occurs after the users have ended their online session.

Similarly to the issues discussed above in regards to independent claim 1 and repeated here, Lawlor discloses a system and method of conducting banking business online over a telephone dial up connection. Lawlor fails to disclose the above claim elements and actually teaches away from the recited claims.

Lawlor expressly discloses that user information from the bank's records (col. 31, l. 39-45) is resident in the central computer **52** and is provided to the advertiser upon the user's positive request for the advertiser's contact (Col. 31, l. 51-52) **while the user is still “on-line”**. (Col. 31, l. 53-56). This disclosure logically requires that Lawlor already has the information in the computer **52** while the user is still on line and could not include an indication of the termination of the online session because that indication would occur after the session had ended.

Further, the disclosure also logically requires that Lawlor system transmits and the advertiser receives the information while the customer is still conducting banking business on line and that his phone is therefore busy. A user that is still on-line can not possibly be a user that has ended a recent online session. The conditions are mutually exclusive. Therefore Lawlor fails to disclose transmitting the record to a caller to cause the caller to place a call to the user **after the online session has ended**.

Furthermore, Lawlor does not disclose storing a record of the online session that indicates that the online session of the user has recently ended. The Office Action argues that since Lawlor is providing the advertiser with user information such as name and telephone number “while the user is still online” (i.e. in real time) that it follows that Lawlor’s user information necessarily includes information indicating when the user is getting offline because otherwise there is no way for the advertisers to know exactly when the user has terminated his online session other than receiving this information from the central computer 52. Thus the Office Action asserts that the central computer 52 is detecting whether a user is on line and has recently ended his online session so that the advertiser can place a call as soon as the user is disconnected.

Applicants point out and reiterate from the interview that finding such a disclosure in Lawlor requires a leap of logic based on hindsight acquired from the applicant’s claims and specification. Specifically, the logical leap is that the disclosure of providing of information while the user is still on line (i.e. in real time) in Lawlor has been equated by the examiner to an unsupported concept of the continuous providing of information. Lawlor does not support the concept of continuous providing of information and therefore it does not teach that it would be able to detect the ending of an online session that it could store as data.

Lawlor expressly teaches that the user information is sent to the Advertiser upon the user positively requesting the advertiser contact (Col. 31, l. 51-52). Lawlor further teaches an “especially advantageous way to provide such **limited** user information” is to pass it to the user while he is on line in real time. Nowhere does Lawlor teach the continuous provision of user information until after disconnect. “Limited” implies “not continuous for the length of the on line session”. In actuality, the limited user information (i.e. name and phone number)(Col. 31, l. 51) could be delivered to the advertiser in a single transmission burst. Such a burst would be in **real time** while the user is still on line but it would **not be continuous** such that it provides an indication that the on line session has ended. Relatedly, the advertiser could determine when the user has disconnected by using an automatic dialer and repeatedly dial the telephone number of user provided by Lawlor until the advertiser does not get a busy signal.

Therefore, the assertions in the Office Action that the Lawlor detects the end of an online session of a user, stores a record of the online session that indicates that the online session of the user has recently ended and transmits the record to a caller to cause the caller to place a call to the user after the online session has ended have no support in Lawlor and are incorrect. Independent claims 10, 40 and 51 are allowable over Lawlor for at least the above reasons. Dependent claims 11-17, 41-44 and 53-55 depend from one of allowable independent claims 10 or 40 are allowable for at least the same reasons.

103 Rejections

Claims 7-8, 18-24, 26-29, 37 and 45-50 stand rejected under 35 USC §103(a) as being unpatentable over Lawlor in view of Strauss (US Pat. 6,272,126). Applicants respectfully traverse these rejections.

Claims 7-8, 18-24, 26-29, 37 and 45-50

The Office Action asserts that Lawlor teaches placing calls to users based on online data session data that specifies users who recently ended an online session. The office Action concedes that Lawlor does not teach or suggest storing call details for calls not successfully completed, comparing the call details to online session data and repeating phone calls to users that were previously unsuccessfully called based on the step of comparing. The Office Action then asserts that Strauss teaches the storing, comparing and repeating steps just mentioned.

Claims 7, 18, 37 and 45 each include similar recitations not taught by Lawlor or Strauss either individually or in combination. As a representative sample independent claim 18 recites,

“A method for contacting users, comprising...comparing the call details to online session data that specifies users who recently ended an online session...”.

Independent claim 45 similarly recites,

“A system for contacting users, comprising...comparing the call details to online session data that specifies users who recently ended an online session...”.

Dependent claim 7 similarly recites,

“A method for contacting a user... wherein the step of processing comprises comparing the session data to one or more data related to failed calls to users.”

Dependent claim 37 similarly recites,

“A system for contacting users, comprising...wherein the means for processing comprises a computer adapted to compare the online session data to data of failed calls.”.

Applicants point out that as discussed above in regards to the §102 rejections, Lawlor fails to disclose or suggest placing calls to users based on online session data that specifies users who **recently ended online sessions** because Lawlor does not disclose detecting a user disconnecting from his online session or even that it has the capability to do so. Therefore, Lawlor fails to teach the elements that the Office Action asserts to it. In addition, Strauss also fails to teach placing calls to users base on online session data that specifies users who recently ended online sessions. As such, the combination of Lawlor and Strauss fails to disclose all of the elements of claims 7, 18, 37 and 45 and claims 7, 18, 37 and 45 are allowable for at least this reason.

Further, Strauss fails to teach or suggest the claim recitations as asserted to it by the Office Action. Strauss is not concerned with comparing call details to online session data that specifies users who recently ended an online session. Nor is Strauss concerned with repeating phone calls to users who recently ended an online session based on the step of comparing. To the contrary, Strauss is interested in establishing an original voice over IP call between two users. Any online session data disclosed by Strauss is data used to establish the original voice over IP call rather than online session data that specifies users (i.e. a called parties) that recently ended an online session such that a call may now be placed to the user.

On Page 8 (in italics) the office action appears to concede that it is making a leap of logic in asserting that the “**ISP must compare** the fail calls data with the online data in order to get the contact information of the called party”. However, Strauss fails to disclose anything to support that leap although the Office Action cites Column 10, line 3-15 of Strauss for the asserted subject matter. To the contrary, Strauss states that the contact information for the called party is provided by the caller by dialing the destination

phone number (Col. 9, l. 20-28) not by comparing the calling data to the online session data.

Strauss proceeds to teach that if the line is busy, the destination server sends a stored datagram to that effect to the ISP which the ISP further delivers to the originating caller. (Col.10, l. 3-15). Strauss does not disclose comparing the call details to anything during this process. On page 12 of the Office Action, the Examiner again makes a leap of logic in his argument by asserting that “when translating the busy signal, the ISP **should** at least compare the signal against the current online session data in which it has established the failed call. However, there is no support in Strauss for this assertion in the cited subject matter.

Further, it is interesting to note that the Office Action neglects to specifically equate the recited “online session data” to any particular feature in Strauss. Such an omission further indicates that Strauss fails to teach all of the claim recitations. As such, Applicants respectfully suggest that Strauss fails to teach or suggest the subject matter asserted to it.

Therefore, since Lawlor fails to teach the claimed subject matter asserted it and Strauss fails to teach the claimed subject matter asserted to it then their combination also fails to teach the subject matter recited in the claims. For at least the above reasons, claims 7, 18, 37 and 45 are allowable over the cited references, single or in combination.

Further still, there would be no motive or suggestion to one of ordinary skill in the art to combine Lawlor with Strauss since Lawlor teaches away from the claim recitations. As discussed above for the §102 rejections, Lawlor expressly discloses that the user information is provided to the advertiser upon the user’s positive request for the advertiser’s contact (Col. 31, l. 51-52) **while the user is still “on-line”**. (Col. 31, l. 53-56). This disclosure logically requires that Lawlor processes and the advertiser receives the information while the customer is still conducting banking business on line and that his phone is therefore busy. A user that is still on-line can not possibly be a user that has ended a recent online session. The conditions are mutually exclusive. Therefore, claims 7, 18, 37 and 45 are allowable for at least this additional reason. Dependent claims 8, 19-24, 26-29 and 45-50 depend from either allowable claims 7, 18 or 45 and are also allowable for at least the same reasons.

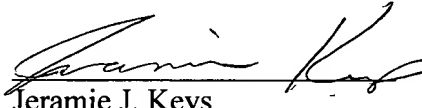
Conclusion

Applicants assert that the application including claims 1-24, 26-51, and 53-55 is now in condition for allowance. Applicants request reconsideration in view of the remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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